

Hope M. Babcock
Angela J. Campbell

Directors

Andrew Jay Schwartzman

Benton Senior Counselor

Lindsey Barrett*

James T. Graves

Ariel Nelson**

Adam Riedel

Staff Attorneys

600 New Jersey Avenue NW

Suite 312

Washington, DC 20001-2075



GEORGETOWN LAW

INSTITUTE FOR PUBLIC REPRESENTATION

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Marlene H. Dortch

Secretary

Federal Communications Commission
445 12th Street, SW
Washington DC 20554

RE: MB Docket No. 18-202, Docket No. 17-105

Dear Ms. Dortch:

We write to update the Commission on several new developments that undermine the arguments raised by the FCC's recently released Draft Order, Modernizing Children's Television Programming.¹ The Draft Order cites YouTube as an example of programming that has made children's broadcast programming less vital than it used to be, and underplays the privacy concerns we raised in our comments.² But on the same day that the Draft Order was released, the Washington Post and the New York Times reported that the Federal Trade Commission is investigating YouTube's potential violations of the Children's Online Privacy Protection Act.³ The Draft Order largely dismisses the concerns of privacy risks on YouTube and other online platforms, and states that parents could sufficiently monitor their children's use of the technology.⁴ Parents cannot prevent platforms like YouTube from violating the law and tracking their children other than by forbidding their children from using YouTube.

¹ Children's Television Programming Rules; Modernization of Media Regulation Initiative Draft Report and Order and Further Notice of Proposed Rulemaking, MB Dkt. No. 18-202.

² Draft Order, at para. 16; Comments of Center for Digital Democracy, et al., MB Dkt. No. 18-202, at 23-34 (filed Sept. 24, 2018) (discussing privacy risks and the complaints about YouTube's violations of COPPA that we'd previously raised with the FTC).

³ Tony Romm, Elizabeth Dwoskin and Craig Timberg, *YouTube under federal investigation over allegations it violates children's privacy*, The Washington Post (June 19, 2019), https://www.washingtonpost.com/technology/2019/06/19/facing-federal-investigation-youtube-is-considering-broad-changes-childrens-content/?utm_term=.1e1f99ca5567; Daisuke Wakabayashi and Cecilia Kang, *F.T.C. Said to Be Investigating YouTube Over Child Privacy Claims*, The New York Times (June 19, 2019), <https://www.nytimes.com/2019/06/19/technology/youtube-child-privacy.html>.

⁴ Draft Order, at para.16.

* Admitted to the New York bar. Supervised by a member of the DC bar.

** Admitted to the California bar. Supervised by a member of the DC bar.

The Draft Order also justifies relaxing the Children's Television Rules on the basis that new forms of children's educational programming purportedly diminish the need for broadcasters to supply it, citing among them cable channels such as Universal Kids, and online content providers such as Amazon.⁵ In the past few days, both companies have announced that they are ceasing to create original children's programming.⁶

These developments demonstrate that the Commission should not relax the Children's Television Rules, given the lack of suitable educational programming alternatives for children.

Respectfully Submitted,

/s/ Lindsey Barrett

Lindsey Barrett, Counsel for CCFC & CDD
Institute for Public Representation
Georgetown University Law Center
600 New Jersey Ave NW, Suite 312
Washington, DC 20001
Lmb275@georgetown.edu
202-662-9545

/s/ Amina Fazullah

Amina Fazullah
Digital Equity Counsel
Common Sense Media
2200 Pennsylvania Ave NW, Suite 400
Washington DC, 20052
afazlullah@commonsense.org
650-814-8003

⁵ Draft Order, pp. 10-11.

⁶ Alexandra Whyte, *Universal Kids halts original programming*, Kidscreen (June 19, 2019), http://kidscreen.com/2019/06/19/universal-kids-halts-original-programming/?utm_source=newsletter&utm_medium=email&utm_campaign=universal-kids-halts-original-programming&_u=L%2bdJqA4GMeY%3d; Elizabeth Foster, *What does Amazon's kids shift mean for producers?*, Kidscreen (June 20, 2019), http://kidscreen.com/2019/06/20/what-does-amazons-kids-shift-mean-for-producers/?utm_source=newsletter&utm_medium=email&utm_campaign=what-does-amazons-kids-shift-mean-for-producers&_u=L%2bdJqA4GMeY%3d.